STATE OF NEW YORK

10307

IN SENATE

May 12, 2026

Introduced by Sen. WEBER -- read twice and ordered printed, and when printed to be committed to the Committee on Disabilities

AN ACT to amend the mental hygiene law, in relation to modernizing self-direction funding limits within the office for people with developmental disabilities by restoring purchasing power and establishing a mandatory cost-of-living adjustment mechanism

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The mental hygiene law is amended by adding a new section 16.36 to read as follows:

§ 16.36 Self-direction funding adjustments.

1. Notwithstanding any inconsistent provision of law, rule or regulation, the commissioner shall adjust all applicable funding limits within the self-direction program administered by the office for people with developmental disabilities, including but not limited to Other Than Personal Services (OTPS), Family Reimbursed Respite (FRR), and all subcategories within Individual Directed Goods and Services (IDGS), to reflect cumulative cost-of-living adjustments enacted in state budgets since January first, two thousand twenty. Such adjustments shall be completed no later than April first, two thousand twenty-seven.

2. The following minimum funding floors shall apply upon the effective date of this section and shall not be reduced by the commissioner or by regulation:

(a) Other Than Personal Services (OTPS): not less than three thousand five hundred dollars per plan year;

(b) Family Reimbursed Respite (FRR): not less than three thousand five hundred dollars per plan year;

(c) IDGS Health Club and Organizational Memberships subcategory: not less than one thousand seven hundred fifty dollars per plan year;

(d) IDGS Camp subcategory: not less than four thousand seven hundred dollars per plan year; and

(e) IDGS Coaching and Education for Parent, Spouse, or Advocate subcategory: not less than five hundred eighty-five dollars per plan year.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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3. Beginning April first, two thousand twenty-seven, and on the first day of each subsequent state fiscal year, the commissioner shall adjust all funding limits and subcategory caps set forth in subdivision two of this section based on the human services cost-of-living adjustment included in the enacted state budget for that fiscal year. Such annual adjustment is mandatory and shall be applied without further legislative action. The commissioner shall not apply any annual adjustment that would reduce a funding limit below the floors established in subdivision two of this section.

4. The commissioner shall publish updated funding limits and the methodology used for each annual adjustment no later than thirty days prior to the beginning of each state fiscal year. Failure to publish shall not stay the effectiveness of the required adjustment.

5. The commissioner shall be subject to administrative oversight and compliance review by the legislature, the state comptroller, and the division of the budget with respect to the adjustments required under this section. Any individual enrolled in the self-direction program who is adversely affected by a failure to implement the required adjustments may file a complaint with the office of the Medicaid inspector general or seek administrative review pursuant to applicable procedures under this chapter.

§ 2. This act shall take effect April 1, 2027. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.